

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ILLINOIS

|                                     |   |                      |
|-------------------------------------|---|----------------------|
| UNITED STATES OF AMERICA,           | ) |                      |
|                                     | ) |                      |
| Plaintiff,                          | ) |                      |
|                                     | ) |                      |
| v.                                  | ) |                      |
|                                     | ) |                      |
| TRACY L. SUNDERLAGE; LINDA          | ) | Civil No. 11-cv-4713 |
| SUNDERLAGE; SUNDERLAGE RESOURCE     | ) |                      |
| GROUP INTERNATIONAL, LTD. a/k/a SRG | ) |                      |
| INTERNATIONAL LTD.; SRG             | ) |                      |
| INTERNATIONAL U.S. LLC; MAVEN U.S.  | ) |                      |
| LLC d/b/a MAVEN LLC; and RANDALL    | ) |                      |
| ADMINISTRATION LLC,                 | ) |                      |
|                                     | ) |                      |
| Defendants.                         | ) |                      |

**AFFIDAVIT OF ELLEN WEIS IN SUPPORT OF THE UNITED STATES'S  
MOTION FOR COSTS FOR FAILURE TO WAIVE SERVICE**

I, Ellen K. Weis, pursuant to 28 U.S.C. § 1746, declare:

1. I am a trial attorney with the Tax Division of the United States Department of Justice.

As part of my duties, I have been assigned to represent plaintiff United States in this action.

2. On July 13, 2011, I called Leah Bytheway, the registered agent for defendant Maven U.S. LLC. I asked that Ms. Bytheway waive service of the summons and complaint for Maven U.S. LLC in this matter. She stated that she was not sure whether she would do so. I confirmed the address to which I should mail the waiver request and other required information required by Rule 4(d).

3. Prior to calling Ms. Bytheway, I consulted the website for the Illinois Secretary of State and determined that she was in fact the registered agent for Maven U.S. LLC.

A true and correct copy of the website result is attached as Exhibit B.

4. The same day, I mailed by FedEx a letter to Ms. Bytheway repeating my request.  
  
The package containing that letter contained all of the information required by Rule 4(d)(1), including the Notice of a Lawsuit and Request to Waive Service of a Summons, two copies of an unexecuted Waiver of Service of Summons, a copy of the complaint, and a return prepaid FedEx envelop.
5. A true and correct copy of my letter to Ms. Bytheway, the Notice, and the two unexecuted Waivers are attached as Exhibit C.
6. More than thirty days have passed since I sent the request for a waiver to Maven U.S. LLC. As of the date of the motion, the United State has not received an executed waiver from Maven U.S. LLC.
7. On August 15, 2011, I spoke with Denis Conlon, who stated that he would not accept service on behalf of Maven U.S. LLC.
8. Having received no waiver from Maven U.S. LLC, we hired a process server to serve Ms. Bytheway as Maven U.S. LLC's registered agent. Service of process on Ms. Bytheway was completed by personal service on August 23, 2011. (*See* Doc. 25.)

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 16th day of September, 2011.

/s/Ellen K. Weis  
ELLEN K. WEIS  
Trial Attorney, Tax Division